



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 27, 1999

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

SUBJECT: MUR 4648 – Revised Brief of Respondents New York Republican Federal Campaign Committee and Michael Avella, as treasurer; Jeffrey T Buley; and William D. Powers

On September 24, 1999, this Office circulated a General Counsel's Report recommending probable cause to believe against the above-named Respondents, and asked that it be placed on the September 30, 1999 executive session agenda. Included in the Report was this Office's response to the Respondents' brief, which had been timely filed on September 22, 1999, following the Commission's denial, on September 17, 1999, of Respondents' request for an extension. On September 27, 1999, this Office received a revised brief from the Respondents, with a request in the cover letter that this Office and the Commission base their deliberations on the revised brief. This Office has reviewed the revised brief, which contains few changes, none of which change the analysis or the recommendations in the General Counsel's Report. For the Commission's convenience, we note the changes below. All page references are to the revised brief dated September 27, 1999:

- p. 3—in the last paragraph, Respondents removed "thousands of" before "volunteer poll-watchers," and removed "logistical and federal funding" before "issues never before encountered."
- p. 4—in the top paragraph, Respondents replaced "many thousands" with "unprecedented number" before "of city residents," and "huge number of" with "numerous" before "small expenditures."
- p. 6—in the last paragraph, Respondents italicized "mens rea," and on the last two lines of the page, added "minor technical" before "violation of the Act," and replaced "at all" with "unbeknownst to Respondents."
- p. 11—in the first full paragraph, Respondents capitalized "Reports Analysis Division."

MUR 4648

Memorandum re Revised Brief

Page Two

- p. 14—in the top paragraph, same change as on p. 11. Respondents also added “in its publicly-filed reports” before “is persuasive evidence,” and five lines from the bottom, removed “the” before “Respondents.”
- p. 15—in the first paragraph, Respondents replaced “to include” with “including” before “those made from petty cash.”

Staff Assigned: Tony Buckley